

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Jim Berger, Robert Jurca, Mary Cooper and Kay Carlquist, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Berger and seconded by Councilmember Jurca to approve the minutes of February 6, 2007 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Jean Lemon urged Council to continue to make plans for the expansion of the Animal Resources Building. Mrs. Lemon also thanked the Police Department, and Officer Jesse Stanford in particular, for their quick response to a recent call.

Financial Report

Finance Director Tod DeZeeuw presented the monthly financial report for the period ended January 31, 2007.

DADI Presentation

Dena Sheriff of Delta Area Development, Inc. (DADI), presented DADI's proposal for the "Delta Area Grand Prix and Industry Showcase." The event, tentatively scheduled for August 24 through August 26, 2007, would include a Kart Grand Prix for all ages and an opportunity for local business and industry to showcase their services and products and to network. The event would also assist local non-profit organizations in their fundraising efforts by offering them an opportunity to provide food and drink to participants and spectators.

The route proposed for the Grand Prix would run along Gunnison River Drive, from east to west, and back again.

DADI requested the City to be an "In-Kind Partner" in the event by providing or authorizing the following:

- Participation of Police Department and Parks Department personnel;
- Use of City parking lots as parking and camping areas;
- Waiver of sales tax license collections for participating non-profits;
- Use of Confluence Park and Heddles Rec Center for three days;
- Closure of Highway 50 for a parade (will need CDOT cooperation as well);
- Refrain from booking other events for August 24 through 26, 2007.

DADI requested a response concerning the City's participation by March 6, 2007.

Tranchina Request

City Manager Sloan reported that the County had acquired right-of-way for an extension of 1630 Road when the Pheasant Meadows Subdivision was created several years ago. When the property was later annexed, the right-of-way was transferred to the City. Frank Tranchina of 763 1630 Road has now requested the City to vacate the right-of-way so that he can build a fence to prevent his animals from wandering.

Mr. Sloan went on to explain that 1630 Road will eventually be connected to H-75 Road, making it necessary for the City to re-acquire the right-of-way at that time. The City Manager was of the opinion that since the City already owns the land, relinquishing the right-of-way as requested by Mr. Tranchina would be fiscally irresponsible. He suggested that a solution to the problem would be to allow Mr. Tranchina to install a fence at his property line.

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Tranchina Request (Cont.)

Mr. Tranchina gave several reasons why extending 1630 Road to H-75 Road would not be feasible.

After a brief discussion, it was moved by Councilmember Berger and seconded by Councilmember Carlquist to deny Frank Tranchina's request to vacate the 1630 Road right-of-way. All in favor, motion carried.

Survey Monuments

Community Development Director Glen Black explained that after Council was approached at a previous meeting by the developers of Cherrywood Villas PUD concerning a variance for the survey monument requirements found in the Delta City Code [Section 16.04.070(J)], staff and the City Attorney discussed the matter. Their recommendation is to amend that Section of the Code, as well as the City Standards and Specifications, to modify the current requirement to place monuments "at angle points and points of curve in each street." Director Black and Attorney Schottelkotte offered suggested changes to the language.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to direct the City Attorney to draft changes to the City Code and the City Standards and Specifications per Council and staff suggestions. All in favor, motion carried.

Council Bill #6, 2007; First Reading; Initial Zoning of Oak Tree Addition No. 2

Community Development Director Black explained that the Planning Commission reviewed the initial zoning for the Oak Tree Addition No. 2 at their February 5th meeting and recommended a B-3 zone for that portion of the addition lying north of Highway 50, and an A-1 zone for the property south of the highway.

Council Bill #6, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE OAK TREE ADDITION
NO. 2

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Berger to adopt Council Bill #6, 2007 on first reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Cooper, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Council Bill #7, 2007; First Reading; Initial Zoning of Oak Tree Additions No. 5, 7, 9, and 13-16

Mr. Black reported that at their February 5th meeting, the Planning Commission also reviewed the initial zoning for the remaining Oak Tree Additions. They recommended R-1A zoning for Oak Tree Addition No. 7, and A-1 zoning for the remaining Oak Tree Additions.

Council Bill #7, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE OAK TREE ADDITIONS
NO. 5, 7, 9, AND 13-16

was read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to adopt Council Bill #7, 2007 on first reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Cooper, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Council Bill #8, 2007; First Reading; Westend Boundary Adjustments

Community Development Director Black explained that property owned by the Hardmans was annexed as part of the Westend Addition. Adjacent property belonging to the Morgans remained in the County. Subsequently, the Morgans and Hardmans entered into a boundary

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Council Bill #8, 2007 (Cont.)

adjustment agreement along a ditch line running through both properties. In addition, the Morgans were granted quiet title to a section of land on the northwest side of their property, which was also part of the Westend Addition.

Since then, the Morgans have sold a portion of their property to the Zechs, and the Hardmans have subdivided and sold a portion of their property to the Rundles. Approval of the proposed Westend Boundary Adjustment would adjust City boundaries to conform to the adjusted private property boundaries.

Council Bill #8, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CORRECTING THE BOUNDARY OF THE WESTEND ADDITION
TO CONFORM TO ADJUSTED PRIVATE PROPERTY
BOUNDARIES

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Council Bill #8, 2007 on first reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Cooper, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Council Bill #9, 2007; First Reading; 2007 Supplemental Appropriations

Finance Director DeZeeuw explained that the supplemental appropriations in the proposed ordinance are needed to classify the proceeds of the sale of City property which occurred late in 2006, after the adoption of the 2007 Budget.

Council Bill #9, 2007

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE
VARIOUS FUNDS AND SPENDING AGENCIES IN THE
AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW
FOR THE CITY OF DELTA, COLORADO, FOR THE 2007
BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #9, 2007 on first reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Cooper, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Austin Water Lease

Assistant City Manager Steve Glammeyer reported that the City has historically had a lease with the Austins allowing them use of water under the City's decrees for the Maude S. Ditch and other City-owned flow decrees from Doughspoon Creek for watering their stock. In 2006, the City leased the water to Arlin Austin for \$700. The current lease expired in December, and Mr. Austin is interested in continuing the arrangement in 2007. Staff recommends renewing the lease for 2007 under the same terms and conditions contained in the 2006 lease.

City Attorney Schottelkotte suggested some minor changes in the wording of the 2006 lease.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to enter into a lease agreement with Arlin A. Austin for 2007 for use of City water on the Grand Mesa for the purposes of stock water, with the changes suggested by the City Attorney. All in favor, motion carried.

Ordinance #5, 2007; Second and Final Reading; Changing the Zoning Designation of Lot 1, W&R Brown Subdivision

Linda Stahly had questions and concerns about the new development planned for Lot 1 of the W&R Brown Subdivision. Her concerns included a lack of police protection, low water pressure,

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Ordinance #5, 2007 (Cont.)

poor electrical service, and access to the current Stone Mountain Village Subdivision and the planned new residential development, along with traffic and safety issues.

Ordinance #5, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF LOT 1, W&R
BROWN SUBDIVISION FROM AN A-1 DISTRICT TO A B-2
DISTRICT AND AN R-1A DISTRICT

was introduced as Council Bill #5, 2007 and read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to adopt Council Bill #5, 2007 on second and final reading. Roll call vote: Councilmembers Berger, aye; Jurca, aye; Cooper, aye; Carlquist, aye; and Seuell, aye. Council Bill #5, 2007 was adopted on second and final reading as Ordinance #5, 2007.

Other Business to Come Before Council

Leona Spiker and Trish Whitecloud addressed Council concerning the Police Chief. City Manager Sloan explained that this is a personnel matter, which he cannot address at this time.

City Attorney Comments

City Attorney Schottelkotte commented on a letter he had written to the House Judiciary Committee concerning HB 1218, which proposes to broaden definitions in the Governmental Immunity Act, increasing liability exposures for municipalities.

City Manager Comments

Manager Sloan noted that the Council Retreat is scheduled for March 2.

The City Manager also requested an Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property.

Councilmember Comments

Councilmember Berger reported attending the Colorado Municipal League's Legislative Workshop and Policy Committee Meeting on February 14 and 15. The following topics were among those discussed.

- Transportation and roads – the Governor has commissioned a Blue Ribbon Panel to investigate the transportation needs in the State.
- Severance tax policy – the Governor and many east slope legislators have identified severance tax monies as a source of funding for education. West slope legislators are banding together in an attempt to assure that severance tax monies are spent in the communities in which the impact is being made.
- Immigration – there is confusion about how to implement legislation passed in 2006. Municipalities are responsible for reporting statistics by March 1, 2007.
- Amendment 41 – the impact of Amendment 41 has triggered an effort to bring an initiative to the ballot asking voters to require approval by 60% of voters to amend the Colorado Constitution.

Councilmember Carlquist reported attending a Business Enhancement meeting, at which upcoming events, such as Cinco de Mayo, the Home and Garden Show, Deltarado Days, and the Blues Festival were discussed. She added that the Business Enhancement group will partner with DADI for the "Delta Area Grand Prix."

At Mayor Seuell's request, Assistant City Manager Glammeyer reported on a recent Chamber Board meeting. Mr. Glammeyer mentioned the Chamber's annual meeting scheduled for February 23.

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Executive Session

It was moved by Councilmember Berger and seconded by Councilmember Jurca to convene an Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS 24-6-402(4)(a); or more specifically, the possible sale of City-owned property adjacent to Devil's Thumb Golf Course. All in favor, motion carried.

At 8:50 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:35 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Mary Cooper and Jim Berger, along with City Manager Lanny Sloan, Assistant City Manager Steve Glammeyer, Utilities Director Fay Mathews and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

Mary Lynn Williams, CMC, City Clerk